

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: HAROLD VATER

SERIAL No.: 09/700,656

GROUP ART UNIT: 2137

FILED: February 14, 2001

EXAMINER: Z. Davis

FOR: ACCESS-CONTROLLED DATA STORAGE
MEDIUM

ATTY. REFERENCE: VATE3001/BEU



COMMISSIONER OF PATENTS

Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a communication/amendment in the above-identified application.

☐ Small entity status under 37 CFR 1.9 and 1.27 is claimed.

☒ No additional fee is required.

The fee, if any, has been calculated as shown below:

Fee Basis	Number of Claims After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity	Full Fee
Total Claims		- ¹	= ³	× \$ 25 =	× \$ 50 =
Independent Claims		- ²	= ³	× \$ 100 =	× \$ 200 =
<input type="checkbox"/> First Presentation of Proper Multiple Dependent Claim				+ \$ 180 =	+ \$ 360 =
TOTAL					

¹ If less than 20 enter 20.

² If less than 3 enter 3.

³ If less than 0 enter 0.

☐ Please charge my Deposit Account Number 02-0200 in the amount of \$ _____. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ _____ is attached.

☐ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is attached.

☐ Also enclosed is/are:

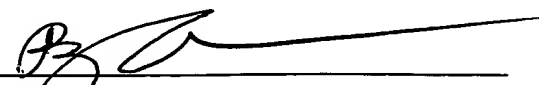
23364

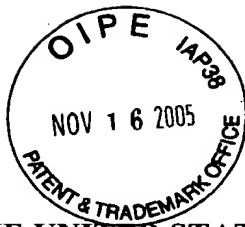
Customer Number

Phone: (703) 683-0500

DATE: November 16, 2005

Respectfully submitted,


Benjamin E. Urcia
Attorney for Applicant
Registration Number: 33,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:)	<u>Group Art Unit: 2137</u>
)	
Harold VATER <i>et al.</i>)	<u>Examiner: Z. Davis</u>
)	
Serial Number: 09/700,656)	<u>Attorney Docket: VATE3001beu</u>
)	
Filed: February 14, 2001)	<u>Confirmation No.: 7577</u>

For: Access-Controlled Data Storage Medium

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

This paper is in response to the restriction requirement dated October 17, 2005.

The Applicant elects **Group II, claims 26-33 and 42, with traverse.**

The reason for the traversal is that the Examiner has **already twice examined** (and finally rejected (!)) each of pending claims 1-43. The amendments to the claims could hardly have necessitated the restriction requirement at this time since the amended claims are directed to the same data carrier and methods as the original claims. Furthermore, the Applicant's arguments merely pointed out claim language which the Examiner appears to have overlooked, and apparent errors by the Examiner in interpreting the prior art. Correcting mis-interpretation of the claim language or prior art is **not** an "**undue burden**" on the Examiner that would necessitate a restriction.

The election is without prejudice. If the restriction requirement is maintained, the Applicant reserves the right to submit divisional application(s) directed to the non-elected claims.

Serial Number 09/700,656

Having thus complied with the restriction requirement made in the Official Action, and for the reasons given in the response submitted on July 22, 2005, withdrawal of all outstanding rejections and expedited allowance of at least the elected claims is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', followed by a long horizontal line extending to the right.

By: BENJAMIN E. URCIA
Registration No. 33,805

Date: November 15, 2005

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